

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

EVELYN GOMEZ,
Plaintiff

v.

WAL-MART STORES TEXAS, LLC.,
Defendant

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Case No. 1:21-CV-1127-SH

AMENDED SCHEDULING ORDER

Before the Court is the parties' Agreed Motion to Extend Scheduling Order Deadlines, filed October 28, 2022 (Dkt. 23). The parties ask the Court to extend several deadlines in the Court's Scheduling Order issued February 22, 2022 (Dkt. 18), some of which have already expired.

In order to facilitate the parties' settlement negotiations, the Court hereby **GRANTS IN PART** and **DENIES IN PART** the Agreed Motion to Extend Scheduling Order Deadlines (Dkt. 23) and enters the following Amended Scheduling Order with respect to the remaining deadlines:

1. All parties asserting claims for relief shall **FILE** their designation of testifying experts and serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by **December 27, 2022**. Parties resisting claims for relief shall **FILE** their designation of testifying experts and serve on all parties, but not file, the materials required by Fed. R. Civ. P. 26(a)(2)(B) by **January 27, 2022**. All designations of rebuttal experts shall be **FILED**, and the materials required by Fed. R. Civ. P. 26(a)(2)(B) for such rebuttal experts, to the extent not already served, shall be **SERVED**, within fifteen (15) days of receipt of the report of the opposing expert.

2. An objection to the reliability of an expert's proposed testimony under Federal Rule of Evidence 702 shall be made by motion, specifically stating the basis for the objection and identifying the objectionable testimony, within eleven (11) days of receipt of the written report of

the expert's proposed testimony, or within eleven (11) days of the expert's deposition, if a deposition is taken, whichever is later.

3. The parties shall complete ADR in compliance with Local Rule CV-88 by **January 10, 2023**. A motion objecting to ADR must be filed not later than 60 days before that deadline.

4. The parties shall complete all discovery on or before **February 24, 2023**. Counsel may by agreement continue discovery beyond the deadline, but there will be no intervention by the Court except in extraordinary circumstances, and no trial setting will be vacated because of information obtained in post-deadline discovery.

5. All dispositive motions shall be filed not later than **February 24, 2023**.

6. This case is set for final pretrial conference on **Thursday, May 25, 2023 at 10 a.m.** and set for jury trial on **Monday, June 5, 2023 at 9 a.m.**

7. The parties should consult Local Rule CV-16 regarding matters to be filed in advance of trial. The parties, however, are exempted from that portion of Local Rule CV-16 requiring that seven days prior to trial they file "a list disclosing any objection, together with the grounds therefore, that may be made to the admissibility of any exhibits." In lieu of that requirement, the Court **ORDERS** that, after receiving the information required by Local Rule CV-16, the parties confer with each other to discuss, and resolve if possible, any objections they may have to each other's (1) designated deposition testimony, (2) exhibits, and (3) motions in limine. The Court further **ORDERS** that the parties be prepared to inform the Court at the final pretrial conference of the deposition testimony, exhibits, and motions in limine to which there is no objection, and those to which objections remain for resolution by the Court. The Court will determine at the pretrial conference whether to address at that time any evidentiary issues which may remain, or to reserve those matters for the trial.

8. With respect to proposed jury instructions, the parties are **ORDERED** to meet and confer and submit a joint proposed set of jury instructions. Any jury instructions to which both parties do not agree must be submitted separately with appropriate citations to law supporting those instructions. Joint jury instructions shall be submitted in complete format as they would appear when submitted to the jury.

All relief not expressly granted herein is **DENIED**.

SIGNED on October 31, 2022.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE